

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43981 of 2026

Arising Out of PS. Case No.-194 Year-2026 Thana- KOTWA District- East Champaran

Nasir Hussain Son of Anwar Ansari @ Anwar Miyan Resident of Village-
Jalwa Toli, Ward No. 3, P.S.- Dumariya Ghat, District- East Champaran,
Bihar- 845423

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohd Rustam Hussain, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-07-2026 Heard Mr. Mohd Rustam Hussain, learned counsel

for the petitioner and Mr. Arun Kumar, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
03.05.2026 in connection with Kotwa P.S. Case No. 194 of
2026, F.I.R. dated 03.05.2026 for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise Act 2016.

3. Recovery is of 67.50 litres of Deluxe Blended
Scotch Whisky.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that nothing has been



recovered from the conscious possession of the petitioner rather the recovery has been made from Auto in question. It appear from the F.I.R. and seizure list that seizure list witnesses are police personnel so there is non compliance of Section 103/105 of the BNSS. The co-accused person namely, Shakil Alam has been granted bail vide order dated 06.07.2026 passed in Cr. Misc. No. 43767 of 2026 by a Co-ordinate bench of this Court. The petitioner is in custody since 03.05.2026.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, there is non compliance of Section 103/105 of the BNSS and the co-accused person namely, Shakil Alam has been granted bail by a co-ordinate bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. I, East Champaran, Motihari, Bihar in connection with Kotwa P.S. Case No. 194 of 2026 subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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